



Planning Advisory Committee Report

Report Number:	PLAN2025-010
Meeting Date:	February 5, 2025
Title:	757 Meadowview Road, Emily Part of Lot 15, Concession 2, Geographic Township of Emily, City of Kawartha Lakes Zoning By-law Amendment
Description:	Rezone portions of the proposed Retained Land on the Subject Land from Agricultural (A1) Zone to a site-specific Agricultural (A1-43) Zone to prohibit future residential dwellings, as per Official Plan policies. Rezone the proposed Severed Land on the Subject Land from the Agricultural (A1) Zone to a site-specific Agricultural (A1-44) Zone for the surplus farm dwelling severance to recognize zoning deficiencies related to lot frontage and lot coverage
Type of Report:	Public Meeting
Author and Title:	Timothy Gouveia, Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

Recommendation(s):

That Report PLAN2025-010, **Application to Amend the Township of Emily Zoning By-law 1996-30 at 757 Meadowview Road, Omeme - 1708673 Ontario Limited (Bell)**, be received for information;

That a Zoning By-law Amendment respecting application D06-2025-001, substantially in the form attached as Appendix D to Report PLAN2025-010, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	1708673 Ontario Limited (Stephen Bell)
Applicant:	MHBC Planning (c/o Jamie Robinson & Graham Richards)
Legal Description:	Part of Lot 15, Concession 2, Geographic Township of Emily, City of Kawartha Lakes
Official Plan:	'Prime Agricultural' and 'Environmental Protection' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan; 'Significant Woodlands' and 'Significant Wildlife Habitat' in Schedule 'B-3' of the City of Kawartha Lakes Official Plan
Zoning:	'Agricultural Zone (A1)' and 'Environmental Protection' (EP) in Schedule 'A' of the Township of Emily Zoning By-Law 1996-30
Area:	41.7 ha. (103.04 ac.)
Site Servicing:	Private well and septic
Existing Uses:	Agricultural
Adjacent Uses:	North – Environmental Protection, Agricultural East – Agricultural South – Agricultural West – Agricultural

The applicant is proposing to rezone the property at 757 Meadowview Road (Subject Land) as a condition of consent approval for the severance of a surplus farm dwelling under File No. D03-2024-027. To fulfill a condition of the consent, that being to prohibit future residential development on the retained agricultural lands, the applicant proposes to rezone portions of the proposed Retained Land on the Subject Land from 'Agricultural' (A1) Zone to a site-specific 'Agricultural Exception 43' (A1-43) Zone to prohibit future residential dwellings, as per Official Plan policies, and to rezone the proposed Severed Land on the Subject Lands from the Agricultural (A1) Zone to a site-specific 'Agricultural Exception 44' (A1-44) Zone for the surplus farm dwelling severance to recognize zoning deficiencies related to lot frontage and lot coverage.

A portion of the Retained Land is zoned 'Environmental Protection' (EP) Zone and contains a watercourse, Significant Woodland, and Significant Wildlife Habitat. The proposal will not result in the construction of any new buildings or structures to the retained lands and will not affect the natural heritage features as defined under the Official Plan.

Rationale:

Through the consent process for the lot severance, a Zoning By-Law Amendment application is required to rezone portions of the proposed Retained Land to a 'Agricultural Exception 43' (A1-43) Zone to prohibit future residential development. Portions of Retained Land will also remain zoned 'Environmental Protection' (EP) Zone to protect the areas identified as Significant Woodlands and Significant Wildlife Habitat.

The Zoning By-law Amendment will also rezone the proposed Severed Land from the Agricultural (A1) Zone to a site-specific 'Agricultural Exception 44' (A1-44) Zone for the surplus farm dwelling severance to recognize zoning deficiencies related to lot frontage and lot coverage.

This amendment will prohibit future residential development while preserving the agricultural use and protecting the existing natural features on the Retained Land.

Policy Conformity

Provincial Planning Statement 2024 (PPS 2024)

The PPS 2024 provides a policy framework for land use planning within the Province of Ontario. The 'Subject Land' is serviced by a private well and septic system, and is within the Otonabee Conservation Regulated Area.

Under Section 4.3.2 of the PPS, a principal dwelling associated with an agricultural operation is permitted. As per Policy 4.3.3.1(c), when a surplus dwelling results from farm consolidation, a new residential lot may be created provided it remains small and no new homes are permitted on the retained agricultural land. In this case, no new development is being proposed. The existing residential dwelling will remain, and the Zoning By-law Amendment seeks to align the land use with PPS policies by prohibiting future residential development on the remaining agricultural parcel. This amendment supports the protection of farmland by preventing fragmentation and maintaining its long-term agricultural viability.

Furthermore, Section 4.1.1 of the PPS emphasizes protecting natural features. A portion of the Retained Land contains Significant Woodlands and Significant Wildlife Habitat and is designated Environmental Protection in the City of Kawartha Lakes Official Plan. It will remain zoned 'Environmental Protection' (EP) to safeguard these features. Since farmland abuts these areas, no buffer is required.

City of Kawartha Lakes Official Plan (2012)

The Subject Land is designated 'Prime Agricultural' in Schedule 'A-2' of the City of Kawartha Lakes Official Plan. It is designated 'Significant Woodlands' and 'Significant Wildlife Habitat' in Schedule 'B-3' of the City of Kawartha Lakes Official Plan. As per the Otonabee Conservation authority, it was determined that the subject property is not within a vulnerable area where Source Protection Plan (SPP) policies apply, and a Restricted Land Use Notice is not required. An Environmental Impact Study (EIS) or Natural Heritage Evaluation (NHE) is not required, as the severance and existing uses comply with relevant policies.

In accordance with Section 15 of the CKLOP regarding the 'Prime Agricultural' designation, the City supports the consolidation of farms, allowing severances of surplus dwellings under certain conditions. Section 15.3.4 states that, "The City recognizes as generally desirable the consolidation of farms wherever possible. Dwellings that become surplus as a result of a consolidation of abutting farm parcels may be severed provided that:

- a) the residential lot does not exceed 1 hectare in area and is not less than 4,000 sq.m. in area;
- b) the residential lot meets the Minimum Distance Separation criteria;
- c) the dwelling is not required for farm employees; and
- d) the farm land is merged into a single lot."

As per Policy 15.3.5, "Dwellings that become surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the criteria of 15.3.4 a, b and c above are met and that the retained agricultural land be zoned to prohibit any residential use."

The proposed severance meets these conditions, as the lot is approximately 0.89 hectares in size, which is within the required range. Minimum Distance Separation does not apply to severing surplus farm dwellings when existing or permitted livestock operations exist on the neighbouring lot, since the potential for impacts are already present.

Furthermore, Policy 15.3.5 specifies that when non-abutting farm parcels are consolidated, the retained agricultural land must be zoned to prohibit any new residential development, which the applicant is proposing to do.

Section 17 of the Official Plan notes that the 'Environmental Protection' designation applies to areas subject to flooding, Provincially Significant Wetlands (PSW), or other

physical hazards. The proposed Severed Land does not contain any such designated areas. However, the proposed Retained Land includes an area containing a Significant Woodland, which aligns with the 'Environmental Protection' designation.

The application does not include any the construction of any buildings or structures. Therefore, it will not affect the natural heritage features as defined under the Official Plan. A review of regulation mapping confirms that the Subject Land is within the Otonabee Conservation Authority (OCA) regulated areas and is not subject to floodplain, meander belt, or erosion hazards. Therefore, the proposed development conforms to the City of Kawartha Lakes Official Plan (2012).

Township of Emily Zoning By-law 96-30

The Subject Land is currently zoned 'Agricultural' (A1) Zone in Township of Emily Zoning By-law 96-30. According to the provisions of the A1 Zone, a single detached dwelling, along with agricultural uses are permitted. However, according to the Provincial Planning Statement and City of Kawartha Lakes Official Plan, the Retained Land must not be developed with a single detached dwelling. Consequently, a Zoning By-Law Amendment (ZBA) is necessary.

Accordingly, the zoning for a portion of the proposed Retained Land will be amended to an 'Agricultural Exception 43' (A1-43) Zone, which will explicitly prohibit any residential development, in accordance with the requirements established by Provincial and City planning policies. The Retained Land meets all other zoning provisions of the A1 Zone.

The EP zoning applies only to the Retained Land and will not see changes under this application.

Furthermore, the Zoning By-law Amendment proposes to rezone the proposed Severed Land on the Subject Land from the Agricultural (A1) Zone to a site-specific 'Agricultural Exception 44' (A1-44) Zone for the surplus farm dwelling severance to recognize zoning deficiencies related to lot frontage and lot coverage. The Severed Land would be 0.89 hectares.

As per Agricultural Zone provision 7.2.1.7, "Notwithstanding subsections 7.1.1 and 7.2.1, an existing lot or a lot created by consent with a lot area of 1.0 hectare or less shall only be used in accordance with Sections 10.1 and 10.2 of this By-law." Sections 10.1 and 10.2 are for the 'Rural Residential Type One' (RR1) Zone.

The A1 Zone can continue to apply to the Severed Land; however, consideration must be given to Sections 10.1 and 10.2 (RR1 Zone) for the Severed Land. The minimum lot

frontage requirement in the RR1 Zone is 38 metres, where only 10 metres is provided. All other provisions in Section 10.1 and 10.2 are met for the Severed Land. However, the maximum lot coverage requirement for accessory dwellings, as per Section 3.1.3.3 (Accessory Buildings, Structures and Uses) is 8 percent, where 10 percent is provided. The reduced lot coverage is needed to not take away agriculturally operated land currently in use for crops. Accordingly, a site-specific 'Agricultural Exception 44' (A1-44) Zone is required for the Severed Land.

Planning staff support the proposed Zoning By-Law Amendment as it aligns with the City's planning framework and fulfills the requirements of the consent approval process while safeguarding the environmental integrity and agricultural operation of the Retained Land.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024 - 2027 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

In alignment with the strategic priorities, the proposed rezoning would facilitate lot severance that would further protect and preserve natural areas such as wetlands and woodlands, in addition to protecting and supporting agricultural land and agri-business; this supports a healthy environment.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Consultations:

Development Engineering – Development Engineering Division reviewed the proposal and has no objections.

Building & Septic Division - The Building and Septic Division has reviewed the application and has no comments.

Enbridge Gas - Enbridge Gas has reviewed the application and has no comments.

Otonabee Conservation Authority - Otonabee Conservation reviewed the application and noted portions of the proposed retained lot fall within areas that are hazardous lands due to the presence of wetland, including the 'Chemong Lake 25.' The proposed rezoning of the severed lot is located outside of these features. Provided that the EP zone remains unchanged by the by-law amendment, it is the opinion of Otonabee Conservation staff that the application is consistent with Chapter 5 of the Provincial Planning Statement (PPS) referencing Natural Hazards.

Based on the information provided, the proposed development should not create new or aggravate existing hazards.

Otonabee Conservation mapping indicates that the lands are not subject to Ontario Regulation 41/24 Otonabee Conservation's "Prohibited Activities, Exemptions and Permits" regulation. Permits from Otonabee Conservation are not required for the proposed rezoning on the severed lot. Permits maybe required for the proposed retained lot if any development or site alteration is proposed in the future.

It was also determined that the subject property is not within a vulnerable area within which Trent Source Protection Plan (SPP) policies apply and a Restricted Land Use Notice is not required.

Attachments:

Appendix A – Location Map (see below)

Appendix B – Aerial Map (see below)

Appendix C – Concept Plan (Consent) (see below)

Appendix D – Draft Zoning By-law Amendment and Schedule



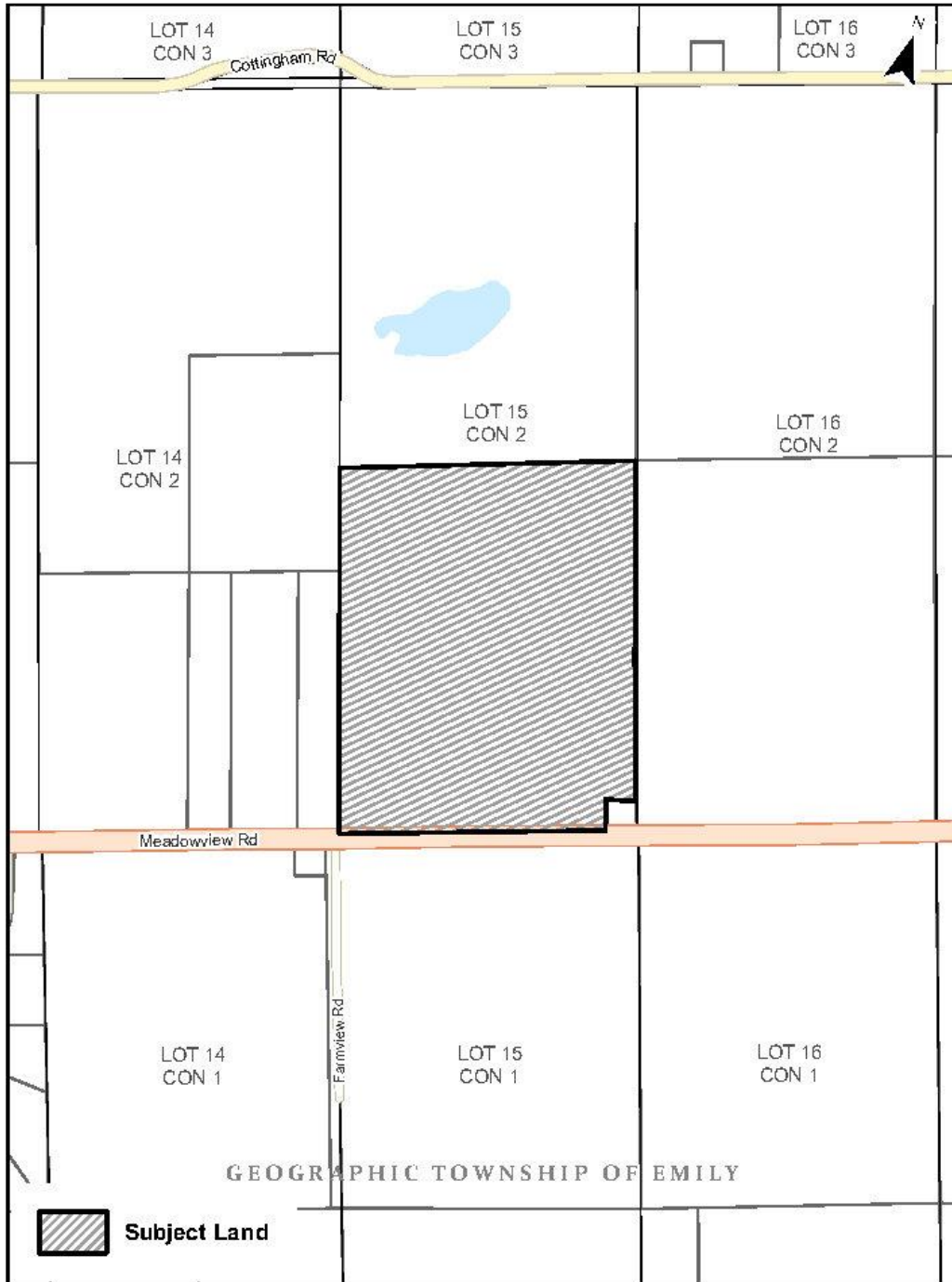
PLAN2025-010 Draft
Zoning By-law - 757

Department Head: Leah Barrie, Director of Development Services

Department Head email: lbarrie@kawarthalakes.ca

Department File: D06-2025-001

Appendix A – Location Map



Appendix B – Aerial Map



Appendix C – Concept Plan (Consent)

